

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

Rick Shawn,

Petitioner

V.

Jeromy Bean, et al.,

## Respondents

Case No.: 2:22-cv-02157-APG-DJA

# Order Denying Motion for Reconsideration and Denying Motion for Clarification

[ECF Nos. 7, 8]

8 On January 19, 2023, I dismissed Rick Shawn's *pro se* petition for writ of habeas corpus,  
9 pursuant to 28 U.S.C. § 2254, and judgment was entered. ECF Nos. 4, 6. Shawn now moves for  
10 reconsideration, and I deny the motion for lack of jurisdiction.

11 I dismissed the petition as second and successive to the federal petition that was  
12 dismissed in February 2018 challenging the same judgment of conviction. *See* 2:14-cv-00738-  
13 JAD-PAL. Shawn was required to obtain authorization from the United States Court of Appeals  
14 for the Ninth Circuit before he could file another petition in this court. 28 U.S.C. § 2244(b)(3).  
15 He did not indicate that he received such authorization. In his motion for reconsideration, he re-  
16 argues the merits of his challenge to his conviction and sentence. But as I explained previously, I  
17 lack jurisdiction to consider the new petition without the court of appeals giving Shawn leave to  
18 file another petition in this court. *See Burton v. Stewart*, 549 U.S. 147 at 152 (9th Cir. 2007).  
19 Shawn also filed what he styled a motion for clarification. ECF No. 8. It is unclear what he seeks  
20 in that motion, but in any event it is moot in light of the denial of reconsideration.

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1 I THEREFORE ORDER that petitioner's motion for reconsideration [ECF No. 7] is  
2 **DENIED.**

3 I FURTHER ORDER that petitioner's motion for clarification [ECF No. 8] is **DENIED.**

4 I FURTHER ORDER that a certificate of appealability is denied.

5 DATED this 15<sup>th</sup> day of May, 2023.

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7 ANDREW P. GORDON  
8 UNITED STATES DISTRICT JUDGE

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